

AZERBAIJAN

Bureau of Democracy, Human Rights, and Labor

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Azerbaijan is a republic of approximately 7.9 million persons with a presidential form of government. The president dominated the executive, legislative, and judicial branches of government. Ilham Aliyev, the son of former president Heydar Aliyev, was elected president in 2003 in a ballot that did not meet international standards for a democratic election due to numerous, serious irregularities. November 2005 parliamentary elections, including rerun elections in ten constituencies in May, showed an improvement in some areas but did not meet a number of international standards. Armenian forces controlled most of Nagorno-Karabakh, as well as large portions of adjacent Azerbaijani territory. The government did not exercise any control over developments in territories occupied by Armenian forces. Civilian authorities generally maintained effective control of the security forces. Members of the security forces committed numerous human rights abuses.

The government's human rights record remained poor, and it continued to commit numerous abuses. The public's right to peacefully change the national legislature was restricted in the November 2005 parliamentary elections, although there were some improvements in the period leading up to the elections and in the May 13 parliamentary election reruns that took place in ten parliamentary constituencies. Torture and beating of persons in police custody resulted in three deaths, and police officials acted with impunity. Prison conditions--despite improvements in infrastructure--were generally harsh and life threatening. Arbitrary arrest and detention, particularly of individuals considered by the government to be political opponents, and lengthy pretrial detention continued. The government continued to imprison persons for politically motivated reasons. Pervasive corruption in the judiciary and in law enforcement continued. Restrictions on media freedom, freedom of assembly, and political participation worsened.

During the year, the government took several important steps to combat human trafficking, including establishing a shelter for victims of trafficking, and separating the antitrafficking special police unit from the organized crime unit.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, human rights monitors reported three prisoners died in police custody due to alleged abuse and mistreatment.

On April 3, Namik Mammadov died in police custody at the Khizi regional police department. Domestic human rights activists reported that police beat and tortured him during questioning in order to coerce a confession. Police officials initially alleged that Mammadov died of a heart attack. However, photographic evidence of torture resulted in the state prosecutor opening a criminal investigation into Mammadov's death. Following the investigation, officials asserted the death was a suicide.

On July 25, Rasim Alishov died while in the custody of the Mingechevir city police; human rights activists reported that Alishov was beaten and tortured to death. In response the interior minister dismissed the head of the investigations department of the Mingechevir police and a member of the investigations staff and reprimanded three other Mingechevir officers in August.

On September 16, Yuri Safaraliyev was found dead in a Gobustan prison bathroom. The government attributed Safaraliyev's death to suicide.

On August 29, Alihuseyn Shaliyev, a former ministry of economic development official in pretrial detention, was found dead at a Ministry of Justice hospital. Shaliyev had been arrested in October 2005 in connection with an alleged coup plot (see section 1.d.). A ministry investigation concluded that Shaliyev committed suicide by repeatedly slashing himself with a razor blade, an assessment with which human rights monitors concurred.

The authorities did not prosecute law enforcement officials implicated in the 2005 deaths of Nikolay Nikolashvili, Elchin Shahmaliyev, Elhman Ibrahimov, and Mahir Suleymanov because the government attributed these deaths to suicide.

In March 2005 the ministry of national security arrested a senior Ministry of Internal Affairs official, Haji Mammadov, for ordering the kidnapping of 11 persons and killing of three persons since 1995 as the head of a criminal kidnapping, murder, and extortion ring within the ministry of internal affairs (see section 1.b.). Mammadov's trial began in June, received widespread publicity, and continued at year's end.

In 2005 unknown persons killed journalist Elmar Huseynov (see section 2.a.).

Human rights activists reported that Orkhan Nasibov, an army soldier, died on July 23 as a result of military hazing. It was not known whether military officials were investigated in connection with this allegation.

Armenia continued to occupy the Azerbaijani territory of Nagorno-Karabakh and seven surrounding Azerbaijani territories. During the year, incidents along the militarized line of contact separating the sides as a result of the Nagorno-Karabakh conflict again resulted in numerous casualties on both sides. Reporting from unofficial sources indicated approximately 20 killed and 44 wounded, taking into account both military and civilian casualties on both sides of the line of contact.

According to the national agency for mine actions, landmines killed two persons and injured 15 others during the year.

b. Disappearance

During the year there were at least two reports of politically motivated kidnappings. On March 6 unknown assailants kidnapped opposition newspaper journalist Fikret Huseynli and on September 30 the father of Eynulla Fatullayev, founder of Azerbaijan's most widely read weekly newsmagazine (see section 2.a.).

In March 2005 the wife of the chairman of the International Bank of Azerbaijan was kidnapped. A ministry of national security investigation uncovered a kidnapping and extortion ring responsible for the woman's kidnapping, as well as multiple killings over a 10-year period directed from within the ministry of internal affairs. A ministry of national security special forces unit raid rescued the woman (see section 1.a.).

The prosecutor general prosecuted one senior ministry of internal affairs officer, Lieutenant Colonel Haji Mammadov, chief of the ministry's criminal investigation division, who confessed to the March kidnapping and also to the abduction of 11 persons since 1995. The ministry of national security arrested 12 persons for their involvement in the ring, including two Chechen citizens. The minister of internal affairs, who remained in office, dismissed three other senior ministry officials including the Deputy Minister for Law Enforcement Zahid Dunyamaliyev. The ministry of justice did not prosecute these officials.

The International Committee of the Red Cross (ICRC) continued to urge the government to provide information on the fate of persons missing in action since the beginning of the Nagorno-Karabakh conflict; during the year the number of those confirmed missing increased from 3,400 to 4,176. The government estimated that approximately 4,850 citizens remained missing, allegedly held by Armenia. During the year the ICRC facilitated the transfer and repatriation of six persons between Armenia and Azerbaijan.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices and provide for penalties of up to 10 years' imprisonment; however, there were credible reports that security forces beat detainees to extract confessions. Despite defendants' claims that testimony was obtained through torture or abuse, no cases involving such claims were dismissed. A domestic human rights monitor reported that security forces tortured between 40 and 50 persons while in custody. For example, according to the monitor, police in a Mingechevir police station tied up a detainee and beat him unconscious. Impunity remained a problem.

In November 2005 the media reported that officers of the ministry of internal affairs organized crime unit repeatedly gave electric shocks to opposition Azerbaijan Democratic Party (ADP) deputy chairman and former political prisoner Natik Efendiyev while in detention (see section 1.d.). Following widespread attention from press, local nongovernmental organizations (NGOs), and international observers, the ministry transferred Efendiyev from the organized crime unit to a local prison where he received medical treatment. In September he was sentenced to five years in prison (see section 1.e.).

According to the ministry of internal affairs, authorities punished 104 officers for human rights abuses. However, the ministry did not state whether the government criminally charged any police officers for these violations. The ministry reported that it dismissed 28 law enforcement officers for misconduct during the year.

During the year the government did not punish interior ministry officials for police abuse, misconduct, and the excessive use of force at a November 2005 peaceful opposition demonstration nor was any action expected. Viliyat Eyvazov, one of the senior officers allegedly involved in police abuse and misconduct in the aftermath of the 2003 presidential election, continued to serve as deputy minister of internal affairs following his 2005 promotion.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening despite continuing prison infrastructure improvements.

Overcrowding, inadequate nutrition, and poor medical care combined to make the spread of infectious diseases a serious problem. Despite recent improvements to prison infrastructure, prisons, generally Soviet-era facilities, did not meet international standards. In maximum-security facilities, authorities limited physical exercise for prisoners as well as visits by attorneys and family members. Some pretrial detainees were reportedly held in "separation cells," often located in basements, to conceal evidence of physical abuse and where food and sleep reportedly were denied to elicit confessions.

According to the justice ministry, three new detention facilities, built to meet international standards, were under construction in the regions of Sheki, Lenkoran and Nakchivan. The government increased financing for prison renovations threefold during the year and completed renovations at 16 facilities.

Harsh prison conditions resulted in numerous deaths during the year; the total number of prison deaths was not available from the justice ministry at year's end. Credible reports indicated that at least three deaths in police detention facilities were the result of torture or abuse (see section 1.a.). Tuberculosis (TB) remained the primary cause of death in prisons; the government reported 633 convicts received treatment for TB. The ICRC reported the government treated 674 prisoners for TB during the year; due to the absence of systematic medical screening, such treatment often started after prisoners were seriously ill.

The ICRC reported that 53 inmates died of the disease during the year. In October the justice ministry launched an expanded TB treatment program in its detention facilities. Many relied on their families for medicine and food, who often paid bribes to prison officials to gain access to imprisoned relatives. The government said that it received no complaints of corruption within the prison system.

In September a reconstituted joint government-human rights community prison-monitoring group began functioning, although it was not very active during the last three months of the year. The government had disbanded the monitoring group following the February 2005 dismissal of the deputy

minister of justice for prisons on allegations of accepting bribes for awarding prison renovation contracts, and it officially reestablished the group in August 2005.

The government permitted prison visits by international and local humanitarian and human rights groups. The ICRC also had unobstructed access to prisoners of war and to civilians held in connection with the conflict over Nagorno-Karabakh. In August 2005 the government authorized a select group of local human rights activists to visit interior ministry-run police stations and ministry pretrial detention facilities in addition to prisons. This access continued uninterrupted during the year.

d. Arbitrary Arrest or Detention

Although the law prohibits arbitrary arrest and detention, the government generally did not observe these prohibitions in practice, and impunity remained a problem.

Role of the Police and Security Apparatus

The ministry of internal affairs and ministry of national security are responsible for internal security and report directly to the president. The internal affairs ministry oversees local police forces and maintains internal civil defense troops. The ministry of national security has a separate internal security force.

Law enforcement corruption was a problem. Police often levied spurious, informal fines for traffic and other minor violations and extracted protection money from local residents. In 2005 and again during the year, traffic police officers received a substantial pay raise to counter corruption; nevertheless, the low wages of other law enforcement officials continued to contribute to police corruption. The ministry of internal affairs reported that during the year it punished 45 police officers for corruption.

Police officers acted with impunity, and in most cases the government took little or no disciplinary action. During the year, however, the government reported that it took action against 104 police officers for human rights violations, seven of whom were disciplined for inflicting bodily harm. The government reported that it dismissed 28 officers from the ministry of internal affairs police forces, removed six officers from their position and administratively disciplined 11 others. The government did not state whether it criminally charged any officers for violating human rights and civil liberties during the year.

During the year an international foundation continued its training program in human rights theory, standards, and practices for security officers attached to the Special State Protective Service (SSPS), a government agency responsible for protecting the Baku-Tbilisi-Ceyhan pipeline. The officers who participated in the training were recruited from the SSPS, state border guard, army, and police.

During the year an international organization conducted community policing and crowd control training for 135 ministry of internal affairs police officers. In May 2005 the justice ministry granted approval for foreign governments to train law enforcement officials to meet international standards and the first training program began.

Arrest and Detention

The law states that persons who are detained, arrested, or accused of a crime should be advised immediately of their rights and reason for arrest and accorded due process of law; however, the government did not respect these provisions in practice. Arbitrary arrest, often on spurious charges of resisting the police, remained a problem throughout the year.

The law allows police to detain and question individuals for 24 hours without a warrant; in practice police detained individuals for several days, sometimes weeks, without a warrant. In other instances, the prosecutor general issued ex post facto warrants.

Judges, acting at the instruction of the prosecutor general's office or of other executive branch officials, sentenced detainees to jail within hours of their arrest without providing access to a lawyer.

The law provides for access to a lawyer from the time of detention; in practice, access to lawyers was poor, particularly outside of Baku. Although provided for by law, in practice indigent detainees did not have access to lawyers. Authorities often restricted family member visits and withheld information about detainees; frequently days passed before families could obtain any information about detained relatives. Individuals were sometimes permitted to "vouch" for detainees, enabling their conditional release during pretrial investigation; however, there was no formal, functioning bail system. At times politically sensitive suspects were held incommunicado for several hours and sometimes days while in police custody.

On October 11, immigration inspectors at Baku's international airport detained opposition youth activist and media freedom advocate Emin Huseynov on his arrival from Turkey, releasing him after five hours. Huseynov, who featured prominently in a BBC television documentary about the country's 2005 parliamentary elections, complained that authorities also subjected his family to harassment.

On October 18, police detained overnight Ali Ismayilov, the leader of the youth group Yox. The detention prevented Ismayilov's participation in an unauthorized rally in Baku's city center on October 19 (see section 2.b.).

On November 23, police officers detained 40 to 50 opposition party members attempting to hold an unsanctioned protest in front of the Baku mayor's office. Observers reported that police detained at least three opposition members before the protest began as they exited a local metro station. Immediately following their arrest, a Baku court fined some of the detainees and sentenced 16 others to detention for between two and 15 days. Credible reports indicated that the court proceedings failed to meet minimum standards for due process. For example, the detainees did not have access to legal counsel during the hearing and were not formally arraigned on a specific charge. Witnesses report that some of the detainees received their sentences while waiting in the police bus outside of the courtroom. All of the detainees were released at the end of their respective detention periods.

In the run-up to the 2005 parliamentary elections, ministry of internal affairs police officers preemptively detained members of the political opposition to prevent their participation in planned but unsanctioned political rallies, on grounds that they were suspected of planning to incite civil unrest. Within hours of the detentions, judges sentenced the individuals to jail on those grounds. Between June

4, when the government partially restored freedom of assembly, and November 6, election day, the government detained and sentenced 50 persons for attempting to participate in unauthorized rallies.

Lengthy pretrial detention of up to 18 months was a serious problem. The prosecutor general routinely extended the permitted, initial three-month pretrial detention period in successive increments of several months until the government completed an investigation.

In October 2005 security forces arrested approximately 300 opposition party activists, including up to 20 parliamentary candidates, in connection with the anticipated return to Baku of exiled ADP leader Rasul Guliyev. Shortly thereafter in October the ministry of national security arrested presidential aide Akif Muradverdiyev, Minister of Health Ali Insanov, Minister of Economic Development Farhad Aliyev, former finance minister Fikrat Yusifov, business leaders Fikrat Sadigov and Rafiq Aliyev, and others, including Ministry of Economic Development official Alihuseyn Shaliyev (see section 1.a.), for allegedly attempting to foment a coup d'etat in connection with Guliyev's failed October return. As of year's end, authorities had not presented any evidence to substantiate this charge and eight persons remained in pretrial detention. The law permits individuals charged with fomenting a coup to be held in pretrial detention for up to 18 months if the prosecutor general's office states to a court that continued detention is justified for the investigation; this period would expire in April 2007. The trial of Natik Efendiyev, an ADP deputy chairman charged with aiding and abetting the coup plot, occurred in September (see sections 1.e. and 1.c.).

In November 2005 government agents arrested prominent academic and Guliyev friend Eldar Salayev for allegedly planning to carry out the coup. The national security ministry released Salayev from detention in 2005 on account of his age and poor health, although the charges against him continued to stand.

In November 2005 several progovernment television channels broadcast a videotape of ministry of national security detainees Yusifov, Insanov, Muradverdiyev, and Sadigov testifying to their role in the plot to overthrow the government. Yusifov, a former finance minister whose testimony dominated the broadcast, described himself as the financial middleman in exiled opposition leader Guliyev's network of support within the government and business community. Yusifov confessed that Aliyev, Insanov, Sadigov, and others gave him money, which he turned over to Salayev, who was tasked with financing the opposition's activities. In November 2005 authorities released Fikrat Sadiqov, former head of a state-owned chemical company, on the condition he notify police before traveling outside of Baku.

NGOs and lawyers for several of the accused reported that some of the detainees did not have access to appropriate medical care. They also said that the government denied the detainees' due process rights, inappropriately prolonged the pretrial detention period, and denied some detainees the right to visits by their families. Some NGOs considered the case of the alleged coup plotters to be politically motivated.

The police arrested and detained members of certain religious groups, generally evangelical Christian denominations (see section 2.c.).

Amnesty

During the year President Aliyev pardoned 199 prisoners, including eight persons whom local human rights activists considered political prisoners. Aliyev's October 24 decree included two journalists imprisoned in August on libel charges.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, in practice judges did not function independently of the executive branch. The judiciary was corrupt and inefficient.

The executive branch exerts a strong influence over the judiciary. The president appoints Supreme Court and Constitutional Court judges (subject to parliamentary confirmation) and lower court judges (without parliamentary confirmation).

Judges' salaries steadily increased over several years; nevertheless, there continued to be credible allegations that judges routinely accepted bribes. There were also credible reports that judges and prosecutors took instruction from the presidential administration and the justice ministry, particularly in cases of interest to international observers.

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District courts try the majority of cases. The Supreme Court may not act as the court of first instance. One judge presides over district court-level trials, while a three-judge panel hears cases at the Court of Appeals, the Court of Grave Crimes, and the Supreme Court. The constitution provides all citizens with the right to appeal to the Constitutional Court. Citizens also have the right to appeal to the European Court of Human Rights, and they exercised this right frequently.

On October 2005 the justice ministry for the first time granted approval to an international NGO to train judges on compliance with election law. This judicial training program continued throughout the year.

In January the government conducted judicial recruitment examinations for the purpose of selecting qualified judges to fill vacancies in the judiciary. International observers reported that the examinations complied with international standards, resulting in the selection of 55 new judges. At the end of the year, all 55 candidates were awaiting presidential appointments to the judiciary. The government began a second round of judicial selection examinations in October that continued at year's end.

Trial Procedures

The law provides for public trials except in cases involving state, commercial, or professional secrets or matters involving confidential, personal, or family matters. The law provides for the presumption of innocence in criminal cases, the right to review evidence, a defendant's rights to confront witnesses and present evidence at trial, a court-approved attorney for indigent defendants, and appeal for both defendants and prosecutors--provisions not generally respected in practice.

Plans to begin jury trials were not implemented. Foreign and domestic observers usually were allowed to attend trials. Although the constitution prescribes equal status for prosecutors and defense

attorneys, in practice prosecutors' privileges and rights outweighed those of the defense. Judges reserved the right to remove defense lawyers in civil cases for "good cause." In criminal proceedings judges may remove defense lawyers for conflict of interest or if a defendant requests a change of counsel.

The law limits representation in criminal cases to members of a government-controlled collegium of lawyers (bar association), thereby restricting the public's access to legal representation of choice. The collegium reserves the right to remove lawyers from criminal cases and sometimes did so for reasons that observers believed were questionable. The law allows all licensed lawyers to join the collegium automatically. However, some provisions in the law left open the possibility that the collegium could refuse a fully qualified lawyer for failing to meet other, unspecified requirements. In 2005 the collegium admitted nine of 231 licensed lawyers entitled to automatic admission to the association. During the year the collegium did not admit any licensed lawyers to the organization. In June the collegium announced plans to hold a bar examination to admit additional lawyers to the collegium, but did not hold the examinations during the year.

The constitution prohibits the use of illegally obtained evidence; however, despite some defendants' claims that testimony was obtained through torture or abuse, no cases based on claims of abuse were dismissed, and there was no independent forensic investigator to determine the occurrence of abuse (see section 1.c.). Investigations often focused on obtaining confessions rather than gathering physical evidence against suspects. Serious crimes brought before the courts were likely to end in conviction, as judges generally required only a minimal level of proof and collaborated closely with prosecutors. In the rare instance when a judge determined the evidence presented was not sufficient to convict a defendant, judges could and did return cases to the prosecutor for additional investigation, in effect giving the prosecution a "second chance" for a conviction.

On September 6, Natic Efendiyev was tried on charges of stockpiling weapons in connection with an alleged October 2005 coup plot (see section 1.d.). After a two-day trial, Efendiyev was sentenced to five years in prison. No domestic or international human rights monitors were present at the trial because of its sudden occurrence and remote location. An appellate court upheld the conviction in November. Efendiyev reportedly was tortured in pretrial detention (see section 1.c.). Some NGOs considered the imprisonment of Natic Efendiyev to be politically motivated.

In September Musavat party member Pirali Orujev, arrested in June 2005, was sentenced to four years' imprisonment for allegedly conspiring to kill two progovernment figures. Some NGOs raised concerns about the fairness of his trial and considered his imprisonment to be politically motivated.

On November 23, a Baku court sentenced 27 opposition members to jail for periods of up to two weeks for participating in an unauthorized protest outside of the Baku mayor's office earlier that day (see section 1.b.). Similarly, in the period preceding the November 2005 parliamentary elections, judges often sentenced to jail opposition members arrested for participating in unauthorized political rallies within hours of their detention and without a fair trial.

The country also has a military court system with civilian judges. The military court retains original jurisdiction over any case in which "crimes against the state" are adjudicated.

Political Prisoners and Detainees

Local NGOs maintained that the government continued to hold political prisoners, although estimates of the number varied. NGO activists maintained that the government held approximately 51 political prisoners. As was the case in 2005, at year's end three political prisoners arrested in connection with the 2003 presidential election and listed in the Council of Europe's experts report remained incarcerated: Elchin Amirasanov, Safa Poladov, and Arif Kazimov.

From April 5 to July 12 the trial of Ruslan Bashirli, Said Nuriyev, and Ramin Tagiyev, activists from the opposition youth group Yeni Fikir took place in the Court of Grave Crimes. In August 2005 the government arrested the activists and charged them with treason in the period leading up to the 2005 parliamentary elections. In a widely broadcast videotape shown by state-operated AzTV in 2005, Bashirli was shown taking money from and conspiring with Georgian and alleged Armenian citizens to foment revolution in the country. International and domestic observers doubted the credibility of the evidence against the three activists and suspected a case of entrapment to intimidate and embarrass the opposition.

Authorities asserted that national security justified closure of the Yeni Fikir trial to outside observers during its first three weeks. After the trial was opened to observers, diplomatic representatives attended the proceedings and reported that the trial did not meet minimum international standards for due process. The defendants were repeatedly denied access to the evidence presented against them, the cross-examination of witnesses was restricted, and the judge, Tofiq Pashayev, often convened hearings for less than an hour before adjourning the court proceeding for several weeks. As a result, domestic and international observers considered the imprisonment of Bashirli, Nuriyev, and Tagiyev to be politically motivated.

On July 13, the court sentenced Bashirli to five years in prison, Tagiyev to four years in prison, and Nuriyev to a suspended three-year sentence because of a pre-existing health condition. On September 28, an appeals court upheld the lower court's verdict but reduced Tagiyev's sentence to three years.

Domestic and international observers considered the imprisonment of prominent political satirist Mirza Zahidov to be politically motivated (see section 2.a.).

Some NGOs considered several other cases involving prisoners or detainees to be politically motivated (see sections 1.d. and 1.e., Trial Procedures).

There were no reliable estimates of the number of political detainees. Most political detainees received sentences of between 10 and 15 days in jail, often described as "administrative detention" sentences (see sections 1.e., Trial Procedures and 2.b.).

The government generally permitted unrestricted access to political prisoners by international humanitarian organizations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits arbitrary invasions of privacy and monitoring of correspondence and other private communications; in practice the government restricted privacy rights.

The constitution allows for searches of residences only with a court order or in cases specifically provided by law; however, authorities often conducted searches without warrants. It was widely believed that the ministry of national security and ministry of internal affairs monitored telephone and Internet communications, particularly those of foreigners and prominent political and business figures.

Police continued to intimidate and harass family members of suspected criminals. Human rights monitors reported that officials denied family members the right to visit those detained in connection with an alleged coup plot (see section 1.d.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press and specifically prohibits press censorship; however, the government often did not respect these rights in practice. On October 11, the Organization for Security and Cooperation in Europe (OSCE) representative on freedom of the media visited the country in response to growing concern about the deterioration of media freedom. The representative criticized the general decline in media freedom during the year. He urged the president to pardon journalists convicted of libel, to remove libel from the criminal code, and to thoroughly investigate and prosecute physical assaults of journalists.

A large number of opposition and independent media outlets operated during the year. The print media expressed a wide variety of views on government policies. However, most broadcast media adhered to a progovernment line in their news coverage.

There were several pro-opposition newspapers and magazines, and a few independent newspapers and magazines. There were 17 television and 12 radio stations. There also were several national state newspapers and numerous newspapers funded by city or district level officials. In contrast to progovernment newspapers, the distribution of many opposition newspapers was limited to the capital, and their circulation was low. During the year many opposition and government-run newspapers reduced circulation, and several, including prominent opposition newspaper Yeni Musavat, reduced frequency. Moderate independent newspapers Echo and Zerkalo, however, maintained their circulation.

Some private television channels broadcast the views of both government and opposition officials, but their programs were not available in all parts of the country. ANS TV, a popular channel regarded as independent, provided generally balanced news coverage. However, on November 24, the National Television and Radio Council (NTRC) ordered ANS to stop broadcasting on grounds that the channel had failed to comply with national media law and regulations, a charge that ANS disputed. Citing the appeals of prominent citizens, and of the human rights ombudswoman, the NTRC reversed its decision on December 11 and allowed ANS to resume broadcasting the following day. However, according to the

NTRC, numerous regulatory issues remained unresolved and at year's end, ANS had reapplied for its license in an open tender.

There were no restrictions on systems to receive satellite broadcasts by foreign stations.

Harassment and violence against individual journalists continued. The Media Council, an independent NGO, reported that 40 journalists experienced physical attack or harassment during the six-month period preceding the November 2005 parliamentary elections, the most recent period for which data was available.

On March 5, unknown assailants kidnapped opposition newspaper journalist Fikret Huseynli and attacked him with a knife. No one had been charged or arrested in connection with the incident by year's end.

On May 18, unknown assailants took Bahaddin Haziyeu, editor in chief of the opposition newspaper Bizim Yol (Our Path), to a lake near Baku, ran his legs over with a car, and reportedly threatened to kill his family if he did not stop writing articles critical of the government. Huseynli sustained serious injuries. Authorities had not charged any suspects in connection with the attack by year's end.

On June 23, police arrested prominent political satirist Mirza Zahidov (also known as Mirza Sakit) on charges of narcotics trafficking and possession. Zahidov routinely criticized the government and public officials in his writings. Human rights activists doubted the credibility of the charges against Zahidov and considered them to be politically motivated. On October 3 the Baku Court of Grave Crimes convicted Zahidov of drug possession but not of drug trafficking. The court sentenced Zahidov to three years in prison. In November, a Baku appellate court upheld the sentence.

On October 3, the Russian language weekly newsmagazine Realny Azerbaijan and its Azerbaijani-language sister publication Gundelik Azerbaijan abruptly ceased publication. Credible human rights monitors said that unknown assailants kidnapped the father of the publications' founder and editor in chief, Eynulla Fatullayev, and held him for three days. Fatullayev's father was released reportedly after Fatullayev agreed to cease publishing both titles on October 3. Fatullayev had started Realny Azerbaijan in May 2005 after having worked at The Monitor, which ceased publication following the killing of its founder and editor. In 2004 unknown assailants had physically attacked Fatullayev. Fatullayev resumed the publication of Realny Azerbaijan in December.

On November 24, the Baku Economic Court ordered the eviction of the opposition Popular Front Party (PFP), the opposition-affiliated newspapers Azadliq and Bizim Yol, and the independent Turan News Agency from their headquarters in central Baku. The court ruled that the PFP and the affected media organizations were occupying a building illegally leased to them by the Baku mayor's office in 1992. Officials began implementing the eviction order immediately after the verdict. Officials gave the building tenants until 11:00 a.m. on November 25 to remove their belongings and instructed the building's tenants to relocate to properties that the government previously offered but which the tenants had rejected as unacceptable due to their remote location and deplorable condition.

On November 25, police officers cordoned off access to the building and local officials supervised hired movers who removed the tenants' furniture, equipment and effects to the alternate locations. However, police did not permit PFP workers to move the party's belongings to a preferred temporary office at the ADP's headquarters. The opposition newspapers Azadliq and Bizim Yol completed the relocation after one week and resumed publication. The independent Turan News Agency relocated to a downtown Baku facility within three days of the eviction and resumed its full operations within a week.

On December 25, four unidentified assailants attacked opposition Azadliq newspaper journalist Nijat Huseynov near a bus stop close to his home. Huseynov was hospitalized and in recovery at year's end.

There were no developments during the year in the March 2005 killing of the founder and editor of The Monitor, Elmar Huseynov, by unknown assailants. The government characterized the killing as a terrorist act meant to destabilize the regime and launched an investigation into the case. Some human rights activists described the killing as a warning to those critical of the government, a suggestion that officials vehemently rejected. In July 2005 press reports stated that the government's investigation identified two Georgian citizens, Tahir Khubanov and Teymuraz Aliyev, as suspects. However, Ministry of Internal Affairs Lieutenant Colonel Haji Mammadov asserted during his trial (see section 1.b.) that he had ordered the killing of Huseynov at the order of former minister of economic development Farhad Aliyev (see section 1.d.). Members of the human rights and independent media communities did not find this assertion credible. The Monitor ceased publication in April 2005.

In contrast with 2005, there were fewer reports that police beat journalists covering opposition rallies or other events because authorities did not permit opposition political rallies during the year. In 2005 police officers beat some journalists and detained and released others covering opposition rallies connected with the parliamentary elections.

A state regulatory agency, the NTRC, was responsible for issuing licenses and monitoring broadcasts, but it did not function independently of the government and its procedures were not transparent. The justice ministry must register a corporation such as a television station operating company in order for it to have legal existence. Despite pressure from independent media outlets, the NTRC did not open tenders for the issuance of new broadcast licenses during the year.

Throughout the year, the NTRC failed to renew the broadcast license of independent private broadcasting company ANS Television and Radio, forcing it to operate without an official license since its license expired in September 2005. During the year, ANS was also the subject of multiple official investigations, including one for alleged tax evasion.

In October the NTRC notified ANS and the independent radio station, AntennFM Radio, that the stations' daily broadcast of Voice of America, Radio Free Europe/Radio Liberty, and BBC-contracted programming violated the national television and radio law. The NTRC asserted that the law prohibited foreign broadcasters from rebroadcasting programming on private television channels. In December the NTRC granted Voice of America and Radio Free Europe/Radio Liberty their own FM radio frequencies and notified Voice of America that it would be able to resume broadcasting on state television on January 1, 2007.

On November 24, the NTRC ordered ANS Television and Radio to stop broadcasting at 3:00 p.m. that day. The NTRC said that ANS had 11 violations of the national media law and NTRC regulations. ANS disputed the NTRC's claim, and company officials said that ANS complied with all of the NTRC's regulatory orders during the year. Senior government officials said that ANS could resume broadcasting if and when the company complied with the NTRC's requirements. Citing the appeals of prominent citizens, the NTRC reversed its decision on December 11 and allowed ANS to resume broadcasting the following day. However, according to the NTRC, numerous regulatory issues remained unresolved at year's end. ANS was also required to compete in an open tender for its broadcast frequency, the results of which were not yet known at year's end.

In September 2005 the justice ministry initially rejected the registration application of a regional television network consisting of local stations on the grounds that the network was sponsored by an international media development NGO. The network revised its incorporation documents to remove the international NGO from the title. However, the ministry did not act on the pending network registration application during the year.

In the months preceding the November 2005 parliamentary elections, opposition politicians consistently had free, unrestricted access to state television airtime and paid, unrestricted access to private television time, although news coverage was heavily skewed in favor of the ruling New Azerbaijan Party. While the election code includes free media access requirements, the government restricted the opposition's access to a state television channel during the 72-hour period following the attempted October 2005 return of exiled opposition leader Rasul Guliyev.

Libel is a criminal offense; the law allows for large fines and up to three years' imprisonment. The government intimidated and harassed the media, primarily through defamation suits, prohibitively high court fines for libel, and measures that hampered printing and distribution of independent newspapers and magazines. In contrast to 2005, the number of defamation suits threatening the financial viability of the print media increased during the year. Human rights activists believed that public officials used libel suits to prevent the publication of embarrassing or incriminating information. Government officials publicly stated that the accusations leveled by journalists were unfounded and slanderous.

In June, July, and August, public officials filed numerous libel lawsuits against journalists. Courts sentenced five opposition newspaper journalists to prison terms of between one and five years for libel as a result of these lawsuits. For example, on July 18, the minister of internal affairs sued Shahin Agabeyli, editor in chief of Milli Yol newspaper for libel. A Baku court sentenced Agabeyli to one year in prison on August 10. However, the president pardoned Agabeyli in October, and he was released. On August 2, a senior Ministry of Internal Affairs counternarcotics official, Hazi Aslanov, sued prominent opposition journalist Zarusht Alizadeh for libel because Alizadeh described ministry counternarcotic officers as drug dealers in an opposition newspaper interview. Alizadeh was fined \$5,700 (5,000 new manat).

In August 2005 the government launched public television channel ITV. In the run-up to the November 2005 parliamentary elections the channel broadcast television debates between parliamentary

candidates and provided candidates with free airtime consistent with the requirements of the election code. However, the OSCE election assessment reported that government-funded ITV devoted 79 percent of its prime time news coverage almost exclusively to positive or neutral coverage of the president, administration, government, and ruling party. During the year OSCE media monitors reported that ITV's programming was increasingly difficult to distinguish from AzTV, the state television channel.

In 2005 one member of parliament sued the editor in chief of Hesabat for libel after the newsmagazine called the parliamentarian one of the country's richest persons. The case remained in a Baku court at year's end.

Most newspapers and magazines were printed in government publishing houses or on private printing presses owned by individuals close to the government. The majority of independent and opposition newspapers remained in a precarious financial position; they continued to have problems paying wages, taxes, and periodic court fines.

The government prohibited some state libraries from subscribing to opposition newspapers. The government also continued to prohibit state businesses from buying advertising in opposition newspapers and pressured private business to do the same.

Baku-based journalists reported that authorities in the exclave of Nakchivan continued to block distribution of opposition newspapers.

As in the previous year, the government tightened enforcement on unregistered, independent newspaper vendors who mainly distributed opposition newspapers, stating that the illegal vendors created traffic hazards on city streets. In March 2005 the government lifted a prohibition on the sale of opposition newspapers in the subway system.

Continuing a trend from 2005, Gaya, the country's largest independent newspaper distributor, reopened some of its 20 newsstands in Baku that were torn down in 2002 by the Baku mayor's office. However, some of the newsstands remain in the custody of the Baku municipal authorities.

Internet Freedom

The government generally did not restrict access to the Internet, but it required Internet service providers to be licensed and have formal agreements with the Ministry of Communications and Information Technologies. There was no evidence to support the widely held belief that the government monitored Internet traffic of foreign businesses and opposition leaders. However, in July press reports said that the government temporarily blocked public Internet access to a Web site popular for lampooning the president. Access to the Internet was limited to urban centers due to lack of infrastructure.

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom. The opposition Musavat Party said that 40 of its members, employed as teachers in state educational institutions in the regions were harassed and

periodically threatened with dismissal for their political activities. University students have been threatened with expulsion for opposition political activity. As a result, a number of students believed they would be expelled if they were to become politically active.

In May approximately 50 students from Azerbaijan Independent University (AIU) went on hunger strike to protest the education ministry's suspension of further matriculation at the school and at 17 other academic institutions. Ministry officials said the suspension was part of ongoing efforts to root out systemic corruption in the education system. However, some analysts believed the ministry was attempting to stifle competition against the government's premier academic institution, Baku State University. In response to widespread media attention, the ministry permitted fourth-year students at AIU to graduate and third-year students to transfer to other institutions but cancelled enrollment of the first- and second-year students. A group of the first- and second-year students sued the ministry over the revocation of their matriculation status. Claiming that the lawsuit was proceeding too slowly, approximately 100 to 150 of the first and second year students resumed their hunger strike in December in the Musavat office while awaiting a court decision. The strike ended on December 28 when Musavat officials decided not to continue providing a space for the strikers. At year's end the court had not issued a ruling.

At the end of 2005, the government expelled four students from Baku State University, the State Economic University, and the Pedagogical University due to their political activities in support of opposition parties. One expelled student, Turan Aliyev, began a hunger strike at the end of 2005 and was joined by three opposition youth activists in protest of the universities' expulsions. On January 17, the minister of education intervened after local human rights activists drew public attention to the students' case and ordered the students' reinstatement. However, two of the students, Turan Aliyev and Namik Faziyev, reported that university administrators continued to refuse to grant them letters of enrollment that would allow them to return to class.

There were no government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the government restricted this right in practice. The government often denied opposition political parties' requests to hold political rallies. However, the government periodically allowed other unauthorized rallies to take place. For example, in early February the government allowed several unauthorized rallies of less than 100 participants in Baku and its surrounding villages. The protests were held in response to the publication of cartoons depicting the Prophet Mohammed in a Danish newspaper.

On October 16, the Baku mayor's office denied the Yox youth group's application to hold a demonstration on October 18. On October 18, Yox leader Ali Ismayilov said that unidentified men detained him overnight in order to prevent him from leading an unauthorized demonstration in Baku.

In November the opposition attempted to hold five unauthorized rallies of less than a hundred participants each, in response to the government's lawsuit seeking to evict the PFP and several media outlets from their central Baku offices (see section 2.a.). On four occasions--November 2, 6, 15, and 16--police detained the opposition protesters, who were demonstrating peacefully, and released them after several hours.

On November 23, between 60 and 70 opposition party members attempted to protest peacefully in front of the Baku mayor's office. Police detained between 40 and 50 of the participants. Within hours of the detention, a Baku court fined some of the participants and sentenced 27 others to jail for between two and 15 days.

In June 2005 in advance of the November 2005 parliamentary elections, the government partially restored the constitutional right to freedom of assembly, which had not been permitted since the demonstrations following the 2003 presidential election. However, the government again restricted this right in the period before the November elections. The government interpreted the law to require individuals and political parties to obtain permission from the authorities in order to assemble and organize demonstrations.

During the pre-election period in 2005, the government limited political rallies to predetermined sites approved by local authorities. Most of these locations were removed from city centers. The opposition held authorized rallies at some of these locations and attempted to hold unauthorized rallies in city centers. Authorities restricted public transportation to the sites of unauthorized rallies and, in one instance, blockaded the Azadliq bloc's local party offices to prevent opposition members from congregating in the downtown area.

Between May and October 2005, the government deployed riot police on multiple occasions to break up unsanctioned political rallies in Baku, and police in several instances beat participants and journalists covering the rallies and arrested participants. With one exception, there was no accountability for these police abuses at year's end.

Following the November 2005 parliamentary elections, the opposition Azadliq bloc held four government-authorized rallies in Baku to protest the election's conduct. In November 2005 security forces violently dispersed an authorized Azadliq bloc rally in response to an opposition leader's call for a participant "sit down" to protest election results. Riot police charged through the crowd of 7,000 opposition supporters, striking them with truncheons while other security forces destroyed the platform where opposition leaders had been standing. Two opposition leaders were struck, and police seriously beat a third opposition leader while apprehending him. Police used truncheons and water cannons to remove protesters from the square. Opposition officials subsequently reported that 90 persons were seriously injured, four were taken to city emergency rooms in critical condition, and 67 others sustained minor bruises. Despite the peaceful conduct of participants, the government arrested 57 opposition supporters for "hooliganism" and "public disorder" at the rally. Within hours of the arrests, courts sentenced 27 opposition supporters to jail for 10 to 15 days; the remaining 30 were released with administrative penalties or fines. No police officials were held accountable for the excessive use of force.

Freedom of Association

The law provides for freedom of association, although in practice the government continued to restrict this right. A number of provisions allowed the government to regulate the activities of political parties, religious groups, businesses, and NGOs, including a requirement that all organizations register either with the justice ministry or the State Committee on Work with Religious Associations (SCWRA). Although a new law requiring the government to act on registration applications within 30 days of receipt was implemented in 2005, vague, cumbersome, and nontransparent registration procedures continued to result in long delays that effectively limited citizens' right to associate.

The government used a 2003 requirement for all existing NGOs to reregister with the justice ministry to delay or deny registration to some previously registered groups, often citing the failure of applicants to follow proper procedures. During the year the ministry registered 548 NGOs, which it reported was more than the number registered in 2005. However, the ministry did not provide information on the total number of NGO applications received or the number of NGO applications rejected during the year.

In May 2005 the OSCE issued a report on NGO registration, identifying problems and offering recommendations. Its conclusions noted that the government procedurally evaded NGO registration by taking an excessive amount of time to discover shortcomings, which unduly prolonged processing times for NGO registration applications. While the report noted many of the shortcomings in applications cited by authorities were valid, most of them were correctable during the registration process and should not have been grounds for final rejection.

c. Freedom of Religion

The constitution and law provide for freedom of religion; however, there were some abuses and restrictions in practice. Although the law expressly prohibits the government from interfering in the religious activities of any individual or group, there are exceptions, including cases where the activity of a religious group "threatens public order and stability." In January the government announced its intention to amend the law to restrict the political activities of religious groups. However, at year's end parliament had not taken up consideration of a draft amendment. The generally amicable relationship among religious groups in society contributed to religious freedom. Most religious groups met without government interference.

A number of legal provisions enable the government to regulate religious groups, including a requirement that religious organizations, including individual congregations of a denomination, be registered by the government (see section 2.b.). Muslim religious groups must receive a letter of approval from the Caucasus Muslim Board (CMB) before they can be registered by the State Committee on Work with Religious Associations (SCWRA). The committee and its chairman have broad powers over registration; control over the publication, import, and distribution of religious literature; and the ability to suspend the activities of religious groups violating the law.

Registered Muslim organizations are subordinate to the CMB, a Soviet-era entity that appoints Muslim clerics to mosques, periodically monitors sermons, and organizes annual hajj pilgrimages. It has been

subject to some interference by the SCWRA, which has attempted to share control with the CMB over the appointment and certification of clerics and internal financial control of the country's mosques. At least one prominent Muslim religious leader objected to interference from both the CMB and SCWRA.

The SCWRA continued to delay or deny registration to some Protestant Christian groups, including two Baptist churches. Three of the Baptists' five main churches successfully reregistered. However, during the year, religious organizations reported that the registration process had improved and that the SCWRA appeared to be handling requests more effectively. At the end of the year, the SCWRA had registered more than three-quarters of the number of religious communities previously registered. The SCWRA estimated that 1,300 religious groups are in operation, although many have not filed for registration or reregistration. Some groups reported that SCWRA employees tried to interfere in the internal workings of their organizations during the registration process.

Although unregistered religious groups continued to function, some, such as Seventh-day Adventists, Jehovah's Witnesses, and Baptists, reported official harassment, including disruption of religious services and police intimidation, fines, and occasional beatings of worshippers by police. For example, on April 16, Baku police interrupted the Easter services of the Protestant Community of Greater Grace, purportedly to ascertain the legality of the group's religious activities. However, when the group complained to the government, local officials apologized for the incident.

Local law enforcement authorities occasionally monitored religious services, and some observant Christians and Muslims were penalized for their religious affiliations. Christians were often suspected of illegally proselytizing but not political activity. Government authorities took various actions to restrict what they claimed were political and terrorist activities by Iranian and other clerics operating independently of the organized Muslim community. For example in 2005 the government deported several Iranian and other foreign clerics operating independently of the organized Muslim community for alleged violations of the law. The government outlawed several Islamic humanitarian organizations because of credible reports about connections to terrorist activities.

Jehovah's Witnesses reported that authorities regularly interfered with their ability to rent public halls for religious assemblies and on occasion fined or detained and beat individuals for meeting in private homes. Local television stations also aired "raids" of religious meetings for "exposes" of religious groups.

On December 24, police accompanied by a television crew raided a gathering of Jehovah's Witnesses in Baku. Police detained and released most participants, but held six foreigners in immigration detention pending deportation proceedings. These individuals remained in immigration detention at the end of the year.

The law expressly prohibits religious proselytizing by foreigners, and officials enforced this strictly.

The Juma Mosque remained closed at the end of the year.

In 2004 Ministry of Justice officials and police forcibly evicted the Juma Mosque community from its premises following protracted litigation.

Since his 2004 conviction for participating in post election demonstrations in 2003, the imam of the Juma Mosque, Ilgar Ibrahimoglu, has not been allowed to travel outside the country, including to several meetings of the UN and the OSCE where he was to be an official NGO participant.

In June 2005 a Sumgayit court ruled that a school teacher was permitted to wear hijab in class. During the year, officials generally permitted headscarves in schools. In November after an NGO sued the university in court Sumgayit University officials changed a university policy that previously prohibited students from wearing hijab. The Center for Protection of Conscience and Freedom of Religious Persuasion reported that authorities continued to prohibit Muslim women from wearing headscarves in passport photos.

The law permits the production and dissemination of religious literature with the approval of the SCWRA; authorities also appeared to selectively restrict individuals from importing and distributing religious materials. The procedure for obtaining permission to import religious literature remained burdensome, but religious organizations reported that the SCWRA appeared to be handling requests more effectively.

Some religious groups continued to report that government ministries restricted and delayed the import of religious literature, although in other instances, the SCWRA facilitated the import of such literature. The Baptist Union reported the SCWRA restricted the quantity of religious books allowed after granting initial import permission.

In February 2005 the Supreme Court ruled that while the country remained in a state of war with Armenia, the military service requirement superseded an individual's constitutional entitlement to alternative service due to religious beliefs and that, absent implementing regulations, the military was not obligated to provide alternative service.

On April 28, police arrested Mushfiq Mammedov, a member of Jehovah's Witnesses, for refusing to fulfill the mandatory military service requirement due to his religious beliefs. According to the SCWRA, a local court sentenced Mammedov to a suspended six-month sentence.

Societal Abuses and Discrimination

There were an estimated 15,000 Jews in the country, the vast majority located in Baku. Incidences of prejudice and discrimination against Jews were rare, and in the few instances of anti-Semitic activity the government responded quickly. There was popular prejudice against Muslims who converted to non-Islamic faiths and hostility toward groups that proselytized, particularly evangelical Christian and missionary groups. The government appeared to encourage such social stigmatization through orchestrated exposes and raids of nontraditional groups.

The government actively undertook programs to encourage religious tolerance. For example, on November 15, the SCWRA, foreign affairs ministry, and Caucasus Muslim board cohosted an interfaith tolerance conference.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, although at times the government limited freedom of movement, particularly for internally displaced persons (IDPs). The law required men of draft age to register with military officials before traveling abroad; some travel restrictions were placed on military personnel with access to national security information. Citizens charged with or convicted of criminal offenses and given suspended sentences were not permitted to travel abroad. The government employed this provision to prevent the foreign travel of an imam who had been convicted and given a suspended sentence in 2004 (see section 2.c.). The government refused to renew the passport of an opposition party leader, citing an outstanding civil complaint against him from over a decade ago. Officials regularly extracted bribes from individuals who applied for passports.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons

IDPs were required to register their place of residence with authorities and could live only in approved areas. This so-called propiska system, a carryover from the Soviet era, was imposed mainly on persons forced from their homes after the Armenian occupation of western parts of the country. The government asserted that registration was needed to keep track of IDPs to provide them with assistance.

While official government policy allowed ethnic Armenians to travel, low-level officials often requested bribes or harassed Armenians who applied for passports. According to the International Organization for Migration (IOM), some Armenians of mixed descent reported to a local NGO that they had problems with officials in the passport and registration department when applying for identification cards; applicants who applied with Azerbaijani surnames encountered no problems except for having to pay bribes.

There were approximately 675,000 IDPs in the country. The vast majority of these persons fled their homes between 1988 and 1993 as a result of the Nagorno-Karabakh conflict.

During the year the government received \$30 million in assistance from international and domestic humanitarian organizations for refugees and IDPs. According to the government, it also allocated \$110 million from the country's oil fund and \$100 million from the state treasury to improve living conditions for IDPs and refugees. During the year the government constructed new settlements under a 2004 presidential decree to improve living conditions for refugees and IDPs.

The State IDP and Refugee Committee's estimated expenditures were \$87 million. IDPs received monthly food subsidies of approximately seven dollars (six manat) from the government.

According to the IOM, in 2005 approximately 21,000 IDPs lived in the Sabirabad, Saatli, Aghjabadi, and Barda camps. Many IDPs lived at below-subsistence levels, without adequate food, shelter, education, sanitation, and medical care. Approximately 28,000 IDPs lived in settlements provided by the European Union, while another 12,000 lived in housing provided by the Office of the UN High Commissioner for

Refugees (UNHCR). Other IDPs were scattered among unfinished buildings (in some cases mud dwellings), hostels, public health facilities, and the homes of friends or relatives.

Protection of Refugees

The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to some refugees through the refugee status determination department. While the department has been progressing in many ways, this was offset by a disappointing series of court rulings on refugee status decisions. The courts rejected all appeals against negative decisions on asylum claims. In practice the government provided some protection against refoulement, the return of persons to a country where they faced persecution, and granted refugee status or asylum during the year. As in the preceding year, the largest number of applicants from officially recognized populations was from Afghanistan. However, the government did not recognize any of these individuals as refugees.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. UNHCR, however, considered the government's forced return to Turkey in October of a Turkish citizen of Kurdish ethnicity, recognized in Germany as a refugee, as contrary to the country's obligations under the 1951 UN convention and a clear violation of the principle of non-refoulement.

Over 90 percent of the 2,542 refugees and asylum seekers registered by the UNHCR in the country were Chechens from the Russian Federation. The government does not recognize Chechens as refugees as established under the 1951 convention, and it did not accept applications for refugee status determination from Chechens. Instead, the UNHCR continued to carry out all functions to provide Chechens with required assistance and protection to remain in the country.

Only Chechens who registered with the UNHCR were protected from forced repatriation to their homeland. The laws on residence, registration, and the status of refugees and IDPs did not apply to Chechens, who were required to register with the police and not entitled to residence permits. Chechens were permitted to enter the country visa-free following the March 2005 implementation of a new bilateral external passport system with Russia. However, most Chechens could not afford the associated costs to acquire external passports. Harassment, detention, and arrests of undocumented Chechens occurred.

According to UNHCR, several hundred Chechens sought protection during the year, a marked decrease from previous years. Chechen children were allowed to attend public schools. However, Chechen refugees were often denied access to public medical services. Such assistance was provided by UNHCR through the support of foreign donors.

The government did not provide temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. However, the government accepted the UNHCR identification card issued to Chechens.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully; however, the government continued to restrict this right in practice by interfering in elections. The law also provides for an independent legislature; however, parliament's independence was minimal, and it exercised little legislative initiative independent of the executive branch.

Elections and Political Participation

The government held national parliamentary elections in November 2005. The OSCE's final assessment concluded that the elections did not meet a number of the country's OSCE commitments and Council of Europe standards for democratic elections. The OSCE concluded that the May 13 rerun elections that took place in 10 out of 125 parliamentary constituencies showed some improvement over the November 2005 elections in areas such as inclusive candidate registration, a largely unimpeded campaign, and increased opportunities for domestic election observers. However, the OSCE highlighted the need for further electoral reform, citing continuing problems in areas including the composition of election commissions; interference by local authorities in the electoral process; the voting, counting, and tabulation processes; and the election grievance process. There were numerous credible reports that local officials interfered with the campaign process to the benefit of progovernment candidates in the November 2005 elections and in the May partial rerun elections.

Local authorities also restricted freedom of assembly for opposition candidates. Police used disproportionate force to disrupt rallies (see section 2.b.).

More than 500 candidates withdrew in the final weeks of the November 2005 parliamentary election campaign; many cited government pressure to withdraw.

The government generally respected the legal provisions of the election code. Candidates were able to hold numerous town hall meetings with voters, although police disrupted some gatherings. According to the OSCE, June 2005 amendments to the election code made limited improvements to the electoral framework, although most recommendations were not implemented or only partially implemented. The Central Election Commission approved a number of regulations to enhance the integrity of voting, counting, and the vote tabulation process. The Central Election Commission undertook an extensive, pre-election voter education campaign.

In October 2005 a presidential decree reversed a ban on election observation by NGOs receiving financial support from international sources. The change had no impact on the 2005 parliamentary elections, as all observers were required to have registered in advance; however, domestic election observers were generally able to register as individuals. There were an estimated 3,000 individual observers affiliated with NGOs for the parliamentary elections.

Voting in the November 2005 elections proceeded in a more orderly and transparent manner than in previous national elections, although there were some irregularities. The OSCE-led observation mission assessed as positive 87 percent of the more than 2,500 polling stations it visited during the daytime

voting process. However, in some instances, international observers reported unauthorized persons, such as police officers, in the polling station during the voting. Observers also witnessed candidates or candidate representatives attempting to influence voter choices and ballot box stuffing in one-third of the polling stations visited as well as family (group) voting in one-fifth of the polling stations visited.

Fraud and major irregularities marred the vote counting and tabulation process. International observers assessed the ballot counting process as bad or very bad in 43 percent of polling stations observed, reporting that election precinct officials refused to count election ballots in front of them and attempted to complete official tabulation protocols behind closed doors. In one precinct, observers witnessed election commission members taking instructions from an unidentified person in the polling station's basement. Precinct-level voting results were not posted in 54 percent of the counts observed.

Following the November 2005 elections, authorities acted to address some instances of election fraud. The Central Election Commission annulled results from 423 of more than 5,100 election precincts. President Aliyev dismissed three local executive authorities because of their interference in the campaign and voting process. The prosecutor general opened 17 criminal cases against local government officials, election commission members, and opposition candidates for violations of the election code on voting day, resulting in 10 convictions. The prosecutor also ordered the arrest of four local election officials for election fraud; they were convicted of election misconduct and sentenced to prison during the year. The Central Election Commission annulled four constituency results and ordered reruns of these races that were held in May. The commission overturned the results of two other constituencies in favor of opposition candidates because of serious precinct irregularities and dismissed the election commission members of these six constituencies citing the members' involvement in fraud or failure to follow election procedures. The Central Election Commission also dismissed 108 precinct-level election commissions and six constituency commissions on fraud-related grounds.

In a December 2005 hearing to certify the election results, the Constitutional Court annulled the results of an additional six constituencies, bringing to 10 the total number of annulled constituencies that were rerun on May 13; however, the six additional annulments also included the court's reversal of previous CEC decisions. Opposition supporters criticized the court's action because it cancelled a race previously awarded to an opposition Azadliq bloc candidate as well as a race that Azadliq claimed it had won in a fair contest.

The Central Election Commission and Constitutional Court actions did not fully address reports of fraud and other irregularities or allay the concerns of the international community about the extent to which the results fully reflected the will of the people.

One opposition member refused to take her seat in protest of election fraud, and the government did not set a date for a by-election during the year.

The most recent presidential election was held in October 2003 and formally brought Ilham Aliyev to power. This election failed to meet international standards for democratic elections due to a number of serious irregularities.

On October 6, the authorities held partial municipal elections around the country. The opposition Azadliq bloc, comprised of the PFP, ADP, and Azerbaijan Liberal Party, boycotted the municipal elections, asserting that the composition of local election commissions made the elections inherently unfair. Some of these municipal elections were reruns of 2004 municipal elections, which election authorities cancelled because of widespread fraud and irregularities.

Opposition parties played an active role in politics. However, members of the opposition were more likely to experience official harassment and arbitrary arrest and detention than other citizens. On November 24, the State Economic Court evicted the opposition PFP and several media outlets from their office building in central Baku. The government assigned the party to the second floor of a building in deplorable condition on the outskirts of the city. The party refused to occupy the premises and instead continued to work out of space temporarily provided by the ADP. Police officials had not allowed PFP members to retrieve their property and effects from the newly assigned office space at year's end (see section 2.a).

The government refused to renew the passport of PFP Chairman Ali Kerimli citing an outstanding civil complaint from 1993. Human rights activists criticized the action, noting that the government had renewed Kerimli's passport on several occasions in the intervening years without objection.

Progovernment news agencies attacked Kerimli and his party in daily news broadcasts in 2005, inciting several violent protests outside of the PFP's offices.

There were 14 women in the 125-seat parliament. Several women held senior government positions, including deputy speaker of parliament and deputy chair of the Central Election Commission. There were no legal restrictions on the participation of women in politics, although traditional social norms limited women's political roles, and they were underrepresented in elective offices.

Ethnic minorities such as the Lezghins, Talysh, and Avars continued to serve in parliament and in government.

Government Corruption and Transparency

The law penalizes corruption by outlawing bribery; however, there was widespread public perception of corruption throughout all facets of society, including the civil service, government ministries, and the highest levels of government. The NGO Transparency International reported that the country received a rating of 2.4 on its corruption perceptions index, indicating there was a perception of serious corruption. According to the prosecutor general's office, criminal cases related to corruption were opened during the year, specifically on bribery charges; however, these cases had little or no impact on the prevalence of bribery and corruption in the country.

In January 2005 a new anticorruption law came into force that required public officials to report annual income, sources of income, property owned, and financial liabilities. It also prohibited nepotism and limited giving gifts and direct or indirect financial benefits to public officials or third parties; government officials acknowledged that implementation of this law was slow and halting.

The law provides for public access to government information by individuals and organizations; however, the government often did not provide access. Although government ministries have separate procedures on how to request information, they routinely denied requests, claiming not to possess the information. Individuals have the right to appeal the denials in court; however, the courts generally upheld the decisions of the ministries.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although the government maintained ties with some human rights NGOs and responded to their inquiries, on occasion the government criticized and intimidated other human rights NGOs and activists. The Ministry of Justice routinely denied or failed to register some human rights NGOs.

The major local human rights NGOs were the Association for the Protection of Women's Rights, the Bureau of Human Rights and Respect for the Law, the Azerbaijan Foundation of Democracy Development and Human Rights Protection, Azerbaijani Committee Against Torture, the Institute for Peace and Democracy, and the Human Rights Center of Azerbaijan. Most of the leading NGOs affiliated themselves with one of two independent, umbrella organizations: the Human Rights Federation or the Helsinki Citizens Assembly.

The government met with a variety of domestic NGO monitors. In 2005 the ministry of justice formed a joint prison-monitoring commission with several representatives of the NGO community (see section 1.c.). The ministry also formed a joint political prisoner review committee with several representatives of the human rights community in 2005. In August 2005 the ministry of internal affairs granted permission for the first time for an NGO to have immediate access to police and pretrial detention facilities; the NGO exercised this right without obstruction.

Several NGOs reported that the government and police at times refused to protect them from so-called provocateurs who threatened, harassed, and attacked NGO activists and vandalized their property. Arzu Abdullayeva director of the Helsinki Citizens Assembly received several threats in connection with her leadership of an NGO delegation's fact-finding visit to Nagorno-Karabakh in July.

The registration process for NGOs remained cumbersome and included requirements to register grants from foreign entities. NGO grants from foreign entities are subject to a social security tax of 22 percent on employee salaries, although grants from a few countries with bilateral agreements with the government were subject to only a 2 percent tax. NGO activists reported that these provisions inhibited their organizations' activities.

The government generally permitted visits by UN representatives and other international organizations such as the ICRC. International NGOs, such as Human Rights Watch and Reporters Without Borders, generally operated without government hindrance.

Citizens may appeal violations committed by the state or by individuals to the ombudswoman for human rights. No information was available at year's end regarding the complaints received during the year by the ombudswoman. In 2005 her office received 6,200 complaints and accepted 3,000 for investigation as authentic human rights violations. The ombudswoman may refuse to accept cases of abuse that occurred over a year ago, anonymous complaints, and cases already being handled by the judiciary. The ombudswoman traveled around the country to hear human rights complaints, cooperated with foreign diplomats working on human rights activities, and submitted an annual report to parliament. Compared with previous years, the ombudswoman was more outspoken in her criticism of government actions. For example, the ombudswoman spoke out against the NTRC's November decision to order ANS Television and Radio off the air (see section 2.a.). However, local human rights NGOs and activists criticized the ombudswoman's work as ineffective and generally regarded her as not independent of the government.

The parliament and ministry of justice also had human rights offices that heard complaints, conducted investigations, and made recommendations to relevant government bodies. Officials of the human rights office within the ministry of foreign affairs regularly met with the diplomatic community to discuss issues of concern. The parliament's human rights body did not operate fully independently of government influence.

On December 28, President Aliyev issued a decree announcing a new National Action Plan for the Protection of Human Rights aimed at improving Azerbaijan's human rights performance. The deputy prime minister and presidential administration were assigned oversight responsibility.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equal rights without respect to gender, race, language, disability, or social status, but the government did not always respect these provisions or effectively enforce them. Violence and discrimination against women, trafficking of persons, and discrimination against ethnic Armenians were problems.

Women

Violence against women, including domestic violence, continued to be a problem. In rural areas, women had no effective recourse against assaults by their husbands or others; there are no laws on spousal abuse or specific laws on spousal rape. Rape is illegal and carries a maximum 15-year prison sentence. The government stated that 32 rapes and attempted rapes were reported during the year. Most rape victims reportedly knew their assailants but did not report incidents out of fear and shame.

There were no government-sponsored programs for victims of domestic violence or rape. In Baku a women's crisis center operated by the Institute for Peace and Democracy provided free medical, psychological, and legal assistance for women. During the year the center provided services to 4,734 women, and 1,850 women called the center's crisis hot line. The institute also broadcast three public service announcements and short films in the regions, covering women's legal rights and court procedures.

Prostitution is an administrative offense rather than a crime and is punishable by a fine of up to \$100 (88 manat). Pimps and brothel owners may be sentenced to prison for up to six years. Prostitution was a serious problem, particularly in Baku.

Trafficking in women for sexual exploitation was a problem (see section 5, Trafficking).

Sexual harassment was prohibited by law, and the government reported that it investigated cases of sexual harassment during the year. At year's end, the government had not released data on the number of cases it investigated during the year.

Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem. Traditional social norms and poor economic conditions continued to restrict women's roles in the economy, and there were reports that women had difficulty exercising their legal rights due to gender discrimination. Women were underrepresented in high-level jobs, including top business positions.

Children

The law requires the government to protect the rights of children with regard to education and health care. In practice government programs provided a low standard of education and health care for children.

Public education was compulsory, free, and universal until the age of 17. The Ministry of Education reported 100 percent elementary school attendance, 97 percent middle school attendance, and 88 percent high school attendance during the year; the UN Children's Fund reported the elementary school figure was approximately 88 percent. The highest level of education achieved by the majority of children was high school. In impoverished rural areas, large families sometimes placed a higher priority on the education of male children and kept girls to work in the home. Some poor families forced their children to beg rather than attend school (see section 6.d.).

The government provided a minimum standard of health care for children, but the overall quality of medical care was very low. During the year, the government began undertaking health sector reforms aimed at improving the low quality of care.

There were isolated reports of child abuse and of trafficking in children (see section 5, Trafficking), and during the year the government reported that it opened an investigation into 11 cases of child trafficking.

Child marriage was not considered a significant problem, although evidence suggested it was growing, primarily in rural central and southern regions among poor families.

A large number of refugee and IDP children lived in substandard conditions in camps and public buildings. In some cases these children were unable to attend school.

Trafficking in Persons

In 2005 the government adopted new legislation and amendments to the criminal code criminalizing trafficking in persons. During the year 190 traffickers were prosecuted under the new law. In addition the government prosecuted traffickers under other laws including those prohibiting rape, forced prostitution and labor, and forgery of travel documents. Most trafficking-related crimes prosecuted during the year carried maximum penalties between five and twelve years' imprisonment, except for rape and sexual violence, which both carried maximum 15-year prison sentences. There also are specific criminal penalties for enslaving, raping, and forcing children into prostitution. During the year the government opened 186 criminal investigations resulting in 190 convictions of individuals charged with trafficking-related crimes.

The deputy minister of internal affairs was the national coordinator for government antitrafficking activities, monitoring relevant government bodies' efforts and dealing with the NGO community. Government bodies involved in antitrafficking included the ministries of internal affairs, foreign affairs, justice, national security, and health; the prosecutor general; the state border guard; customs; and the State Committee on Women's and Children's Issues. In August the president announced a restructuring of the ministry of internal affairs, which created a separate antitrafficking unit.

The government regularly collaborated with neighboring countries on antitrafficking investigations.

The country was primarily a country of origin and transit for trafficked women, men, and children for sexual exploitation and forced labor. Central Asian and local women and girls were trafficked from or through the country to the United Arab Emirates, Turkey, Iran, India, and Pakistan for work in the sex industry. There was also some internal trafficking of women for sexual exploitation. The government reported it identified 77 trafficking victims. During the year the government also reported 11 cases of child trafficking.

Women and girls were trafficked internally from rural areas to urban centers for sexual exploitation, men were trafficked to Turkey and Russia for forced labor, and children were trafficked internally for begging. Iranians, Iraqis, Afghans, and migrants from South Asia were smuggled through the country to Europe--particularly Germany, Sweden, France, and the Netherlands--and to the US, where they at times had their passports confiscated and were subjected to forced labor. Traffickers generally targeted women.

Traffickers were either foreigners or ethnic Azerbaijanis who acted in loose concert with international networks. They approached victims directly and indirectly through friends and relatives, usually offering to arrange employment abroad. Traffickers also used deceptive newspaper advertisements offering false work abroad. Traffickers reportedly used forged documents to move victims. They also used fraudulent marriage proposals from men posing as Iranian businessmen to lure women into prostitution in neighboring Iran. Despite such fraud, some families willingly married their daughters to wealthy Iranians without concern for the actual outcome.

There was no evidence of official complicity in trafficking, but corruption in some government agencies facilitated trafficking.

In 2005 parliament passed antitrafficking legislation increasing protections for trafficking victims by relieving them from civil, administrative, and criminal responsibility for offenses committed under coercion, intimidation, or other trafficking conditions. The law also allows the use of pseudonyms to protect the identity of trafficking victims and provides for assistance and shelters for trafficking victims. Subsequent revisions to the criminal code implemented this legislation.

There was no standardized mechanism to return trafficked women to the country. According to the IOM, some Azerbaijanis and third country nationals who were either victims of trafficking or engaged in prostitution were deported to the country, primarily from Turkey. However, the government had no program to assist them.

The government informally referred some victims to state health care facilities; these facilities lacked the capacity to provide the required specialized treatment or information for victims of trafficking. The government also referred some victims to international organizations and domestic NGOs for assistance. Some NGOs, which cooperated with the government, reportedly sheltered victims in private homes, due to a lack, for most of the year, of adequate shelters available for trafficking victims in the country. IOM conducted training for shelter volunteers, as well as training for volunteers to staff an NGO antitrafficking hotline, which has yet to open.

During the year the government continued to implement its antitrafficking action plan. The government completed renovations to the building designated last year to be a shelter for trafficking victims, which was officially opened in October. The government also designated a number for a trafficking hotline which will be accessible toll-free both domestically and internationally once it is operational. The government implemented a standardized recruitment, selection, and testing process for police officers of the new antitrafficking unit developed last year with international assistance. However, it was not possible to determine whether this process conformed to international standards.

Several NGOs, such as the Institute for Peace and Democracy's Women's Crisis Center and Clean World, and government bodies, such as the State Committee for Women's and Children's Issues, worked on antitrafficking activities. There were no government-sponsored antitrafficking public education campaigns, although the Ministry of Education supported school information programs run by domestic NGOs.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, and access to health care, or the provision of other state services, but discrimination in employment was a problem. It was commonly believed that children with disabilities were ill and needed to be separated from other children and institutionalized. Several international and local NGOs developed educational campaigns to change social perceptions and reintegrate disabled children.

There are no legal provisions mandating access to public or other buildings for persons with disabilities, and most buildings were not accessible.

Care in facilities for the mentally ill and persons with disabilities varied; some provided adequate care while others lacked qualified caregivers, equipment, and supplies to maintain sanitary conditions and provide a proper diet.

The ministries of health and labor and social welfare were responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Some of the approximately 20,000 citizens of Armenian descent living in the country historically have complained of discrimination in employment, schooling, housing, the provision of social services, and other areas. Azerbaijani citizens who were ethnically Armenian often concealed their ethnicity by legally changing the ethnic designation in their passports.

Some groups complained that authorities restricted their ability to teach or print materials in their native languages. Specifically, Farsi-speaking Talysh in the south, Caucasian Lezgins in the north, displaced Meskhetian Turks from Central Asia, and displaced Kurds from the Armenian-occupied Lachin region reported sporadic incidents of discrimination, restrictions on the ability to teach in their native languages, and harassment by local authorities.

Other Societal Abuses and Discrimination

The government did not officially condone discrimination based on sexual orientation; however, there was societal prejudice against homosexuals.

Section 6 Worker Rights

a. The Right of Association

The law provides for freedom of association, including the right to form labor unions, but there were some restrictions on this right in practice. The overwhelming majority of labor unions remained tightly linked to the government, with the exception of the independent journalists' unions.

Uniformed military and police are prohibited from participating in unions, although civilians working in the interior and defense ministries are allowed to do so. The law also prohibits managerial staff from joining a union, but in practice managers in government industries often had union dues automatically deducted from their paychecks.

Production Sharing Agreements (PSA) between the government and multinational energy enterprises signed in 1994 do not provide for employee participation in a trade union and effectively exempt these enterprises from national labor laws. Some labor organizations and local NGOs reported that some of these companies discouraged employees from forming unions, and most employees of multinational enterprises operating under the PSA arrangements were not union members, although there were exceptions.

On October 10, parliament lifted the statutory prohibition on trade unions engaging in political activity.

Many of the state-owned enterprises that dominated the formal economy withheld union dues from workers' pay but did not deliver the dues to the unions. As a result unions did not have resources to carry out their activities effectively. Unions had no recourse to investigate the withheld funds.

The Azerbaijani Trade Union Confederation (ATUC) had approximately 1.5 million members, including 26 labor federations in various industrial sectors. Although the ATUC was registered independently, some workers considered it closely aligned with the government.

Membership in the Union of Oil and Gas Industry Workers remained mandatory for the State Oil Company's 50,000 workers, whose union dues (2 percent of each worker's salary) were automatically deducted from their paychecks.

There were no reports of government antiunion discrimination; labor disputes were primarily handled by local courts, which, while not exhibiting antiunion discrimination, were widely considered corrupt. There were reports of antiunion discrimination by foreign companies operating in Baku. Labor NGOs report that multinational energy companies and their subcontractors often discouraged union membership by their employees. Production sharing agreements signed in 1994 between the government and these multinational energy enterprises did not address employees' participation in unions.

b. The Right to Organize and Bargain Collectively

The law allows trade unions to conduct their activities without government interference; in practice most unions were not independent. The law also provides for collective bargaining agreements to set wages in state enterprises, and trade unions actively negotiated with employers, particularly in the formal sector. In reality unions could not effectively participate in negotiating wage levels because government-appointed boards ran major state-owned firms and set wages according to a unified schedule. In addition, in 2005, the labor ministry reported that the government continued to have limited success in addressing worker-related issues with foreign companies.

The law provides most workers with the right to strike, and workers exercised this right. Categories of workers prohibited from striking include high-ranking executive and legislative officials, law enforcement officers, court employees, fire fighters, and health, electric power, water supply, telephone, and railway and air traffic control workers. Striking workers who disrupt public transportation can be sentenced up to three years' imprisonment. The law prohibits retribution against strikers such as dismissal or replacement.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution and law allow forced or compulsory labor under circumstances of war or in the execution of a court's decision under the supervision of a government agency, and some observers asserted that there were infrequent occurrences of forced or compulsory labor, including trafficking in persons (see section 5).

Prohibition of Child Labor and Minimum Age for Employment

The law provides for the protection of children from exploitation in the workplace and from work that is dangerous to their health, but there were few complaints of abuses of child labor laws.

The minimum age for employment depended on the type of work. In most instances the law permits children to work from age 15; 14-year-old children may work in family businesses or at after-school jobs during the day that pose no hazard to their health with parental consent. Children under 16 may not work more than 24 hours per week; children between 16 and 18 may not work more than 36 hours per week. The law prohibits employing children under 18 in jobs with difficult and hazardous work conditions. The Ministry of Labor and Social Security is responsible for enforcing child labor laws. However, the unit responsible is considered ineffective.

There were reports that some parents forced their children to beg, and children were trafficked internally for this purpose. Children were also trafficked for the purposes of forced labor and sexual exploitation (see section 5).

e. Acceptable Conditions of Work

During the year the government raised the minimum monthly wage from \$30 to \$34 (29 manat), the third raise in 18 months. The minimum wage was insufficient to provide a decent standard of living for a worker and family, although it was \$8 (about seven manat) above the official poverty level of \$26 (22 manat) set by the government. The Ministry of Taxes, the Ministry of Labor, and the State Social Protection Fund legally share responsibility for enforcing the minimum wage. However, in practice the minimum wage was not effectively enforced.

The law provides for a 40-hour work week; the maximum daily work shift is 12 hours. Workers in hazardous occupations may not work more than 36 hours per week. The law requires lunch and rest periods, which are determined by labor contracts and collective agreements. It was not known whether local companies provided adequate premium compensation for overtime, although international companies generally did. There was no prohibition on excessive compulsory overtime. The Ministry of Labor reported little success enforcing such contracts and agreements in the informal sector, where most individuals were employed.

The law sets health and safety standards; government inspections of working conditions were weak and ineffective, and standards were widely ignored. The ATUC also monitored compliance with labor and trade regulations, including safety and health conditions. During the year the ATUC reported that it inspected 2,466 enterprises and organizations and found 677 legal and technical violations. The ATUC stated that virtually all of the violations were addressed, and no official complaints were registered.

Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardizing their employment. According to the Oil Workers Rights Defense Council (ORDC), an NGO dedicated to protecting worker rights in the oil sector, four State Oil Company workers died in workplace accidents. Workplace accidents were also a problem in other sectors of the economy.

The law provides equal rights to foreign and domestic workers, although local human rights groups, including ORDC, maintained that disparities existed, particularly in foreign oil companies.